

**DEPARTMENT OF THE TREASURY**  
**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**  
**FIREARMS TRANSACTION RECORD PART I - OVER-THE-COUNTER**

TRANSFEROR'S TRANSACTION  
SERIAL NUMBER

**NOTE:** Prepare in original only. All entries on this form must be in ink. **See Important Notices, Definitions and Instructions**

**SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER)**

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> MALE	2. HEIGHT	3. WEIGHT	4. RACE
	<input type="checkbox"/> FEMALE			
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)	6. BIRTH DATE			7. PLACE OF BIRTH (City)  STATE OR FOREIGN COUNTRY
	MONTH	DAY	YEAR	

8. **OPTIONAL INFORMATION** - The information requested in this item (8) is strictly **optional** but will help to ensure the lawfulness of the sale and avoid the possibility of being misidentified as a felon or other prohibited person.

SOCIAL SECURITY NUMBER	ALIEN REGISTRATION NUMBER  <b>A</b> _____	MISCELLANEOUS NUMBER (Military ID, etc.)
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9. **CERTIFICATION OF TRANSFEREE (Buyer)** - Questions a. through l. must be answered with a "yes" or a "no" in the box at the right of the question.

a. Are you the actual buyer of the firearm indicated on this form? If you answer "no" to this question the dealer cannot transfer the firearm to you. (See Important Notice 1.)	g. Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?
b. Are you under indictment or information in any court for a crime for which the judge could imprison you for more than one year? An information is a formal accusation of a crime made by a prosecuting attorney.	h. Are you an alien <b>illegally</b> in the United States?
c. Have you been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? (See Important Notice 5 and EXCEPTION.)	i. Have you ever renounced your United States citizenship?
d. Are you a <b>fugitive</b> from justice?	j. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See Important Notice 6 and Definition 4.)
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	k. Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim. (See Definition 5.)
f. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?	l. Are you a citizen of the United States?

m. What is your State of residence? \_\_\_\_\_  
 (State)

If you are not a citizen of the United States, you have a State of residence only if you have resided in the State for at least 90 days prior to the date of this sale. (See Definition 6.)

**I CERTIFY THAT THE ABOVE ANSWERS ARE TRUE AND CORRECT. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO QUESTION 9b IS PROHIBITED FROM PURCHASING A FIREARM. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE QUESTIONS 9c THROUGH 9k IS PROHIBITED FROM PURCHASING OR POSSESSING A FIREARM. I ALSO UNDERSTAND THAT THE MAKING OF A FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY. I FURTHER UNDERSTAND THAT MY REPETITIVE PURCHASE OF FIREARMS FOR THE PURPOSE OF RESALE FOR LIVELIHOOD AND PROFIT WITHOUT A FEDERAL FIREARMS LICENSE IS A VIOLATION OF LAW. (SEE IMPORTANT NOTICE 7.)**

TRANSFEREE'S (Buyer's) SIGNATURE	DATE
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**SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER)**

10. TYPE OF FIREARM(S) TO BE TRANSFERRED:

☐

HANDGUN

☐

LONG GUN

☐

BOTH

11a. TYPE OF AND NUMBER ON IDENTIFICATION (*Driver's license or other valid government-issued photo identification. See Instruction to Transferor 1.*)11b. TYPES AND DATES OF ADDITIONAL IDENTIFICATION REQUIRED FOR ALIENS (*e.g., utility bills or lease agreements. See Instruction to Transferor 2.*)**ITEM 12, 13, OR 14 MUST BE COMPLETED PRIOR TO TRANSFER OF FIREARM(S)** (*See Instructions to Transferor 4-7.*)12a. THE TRANSFEREE'S IDENTIFYING INFORMATION IN SECTION A OF THIS FORM WAS TRANSMITTED TO NICS OR THE APPROPRIATE STATE AGENCY ON \_\_\_\_\_.  
(Date)12b. THE NICS OR STATE TRANSACTION NUMBER (*if provided*) WAS: \_\_\_\_\_.

12c. THE RESPONSE INITIALLY PROVIDED BY NICS OR THE APPROPRIATE STATE AGENCY WAS AS FOLLOWS:

☐

PROCEED

☐

DENIED

☐

DELAYED

12d. IF INITIAL NICS OR STATE RESPONSE WAS "DELAYED," THE FOLLOWING RESPONSE WAS RECEIVED FROM NICS OR THE APPROPRIATE STATE AGENCY ON \_\_\_\_\_.  
(Date)☐

PROCEED

☐

DENIED

☐

NO RESPONSE PROVIDED WITHIN 3 BUSINESS DAYS

13. STATE PERMIT TYPE (*no NICS check required because transferee has a valid permit which qualifies as an exemption to NICS*)

DATE OF ISSUANCE

EXPIRATION DATE (*If any*)

PERMIT NUMBER

14. ☐ NO NICS CHECK WAS REQUIRED BECAUSE THE TRANSFER INVOLVED ONLY NFA FIREARM(S)**SECTION C - IF THE TRANSFER OF THE FIREARM(S) TAKES PLACE ON A DIFFERENT DAY FROM THE DATE THAT THE TRANSFEREE SIGNED SECTION A, THEN THE TRANSFEREE MUST COMPLETE SECTION C IMMEDIATELY PRIOR TO THE TRANSFER OF THE FIREARM(S) (SEE INSTRUCTION TO TRANSFEREE 3 AND INSTRUCTION TO TRANSFEROR 9)**

I CERTIFY THAT THE ANSWERS I PROVIDED TO THE QUESTIONS IN ITEM 9 OF SECTION A OF THIS FORM ARE STILL TRUE AND CORRECT.

TRANSFEREE'S (BUYER'S) SIGNATURE

DATE

**SECTION D**On the basis of (1) the statements in Section A; (2) the verification of identity noted in item 11 and my verification again at the time of transfer (*if the transfer does not occur on the same day as the verification noted in item 11*); and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below to the person identified in Section A.

15. MANUFACTURER AND/OR IMPORTER	16. MODEL	17. SERIAL NO.	18. TYPE ( <i>Pistol, Revolver, Rifle, Shotgun, etc.</i> )	19. CALIBER OR GAUGE

**COMPLETE ATF F 3310.4 FOR MULTIPLE PURCHASES OF HANDGUNS** (*See Instruction to Transferor 11.*)20. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR  
(*Seller*) (*Hand stamp may be used.*)21. FEDERAL FIREARMS LICENSE NO. (*Hand stamp may be used.*)**THE PERSON ACTUALLY TRANSFERRING THE FIREARM(S) MUST COMPLETE ITEMS 22 THROUGH 24.**22. TRANSFEROR'S (*Seller's*) SIGNATURE

23. TRANSFEROR'S TITLE

24. TRANSACTION DATE

## IMPORTANT NOTICES

1. **WARNING** - The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false ATF F 4473.

Question 9a is not applicable to returns of firearms, e.g., holders of pawn tickets or consignors of firearms. Accordingly, such transferees should answer Question 9a as "N/A."

2. Under 18 U.S.C. 922 firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee (*buyer*) of certain restrictions on the receipt and possession of firearms. This form should not be used for sales or transfers where neither person is licensed under 18 U.S.C. 923.
3. The permanent provisions of the Brady law, 18 U.S.C. 922(t), became effective on November 30, 1998. The law requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system contains any information that the prospective purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include contacts to State agencies that have been designated to do NICS checks for the Federal Government.
4. **WARNING** - Any seller who knowingly transfers a firearm(s) to any person prohibited from receiving or possessing any firearm violates the law even though the seller has complied with the background check requirements of the Brady law.
5. The transferee (*buyer*) of a firearm should be familiar with the provisions of law. Generally, 18 U.S.C. 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who has been convicted of a crime punishable by imprisonment for a term exceeding one year; by one who is a fugitive from justice; by one who is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance; by one who has been adjudicated mentally defective or has been committed to a mental institution; by one who has been discharged from the Armed Forces under dishonorable conditions; by one who has renounced his or her U.S. citizenship; by one who is an alien illegally in the United States; by one who is subject to certain restraining orders; or by one who has been convicted of a misdemeanor crime of domestic violence. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

**EXCEPTION:** For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, or has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms. Persons subject to one of these exceptions should answer "NO" to questions 9c or 9k, as applicable.

6. Under 18 U.S.C. 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restrains such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

7. **DO YOU NEED A FIREARMS LICENSE?** - Under 18 U.S.C. 922 and 923, it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.
8. Persons acquiring firearms for the purpose of exportation should be aware that the State Department or Commerce Department may require a license to be obtained prior to exportation.

## INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The transferee (*buyer*) of a firearm must personally complete Section A of this form and certify (*sign*) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers may be written by other persons, excluding the dealer. Two persons (*other than the dealer*) must then sign as witnesses to the buyer's answers and signature.
2. When the transferee (*buyer*) of a firearm(s) is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete and sign Section A of the form and attach a written statement, executed under penalties of perjury, stating (A) that the firearm(s) is being acquired for the use of and will be the property of that business entity, and (B) the name and address of that business entity.
3. If the transfer of the firearm(s) takes place on a different day from the date that the purchaser signed Section A, then the licensee must again check the photo identification of the purchaser prior to the transfer, and the purchaser must complete the certification in Section C at the time of transfer.

## INSTRUCTIONS TO TRANSFEROR (SELLER)

1. **KNOW YOUR CUSTOMER** - Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. A driver's license or identification card issued by a State in place of a license is particularly appropriate. Social security cards are not acceptable because no address, date of birth, or photograph is shown on the cards.
2. **SALE OF FIREARMS TO ALIENS** - A transferee (*buyer*) who is not a citizen of the United States must provide additional identification in order to establish that he or she is a resident of a State. (*See Definition 6.*) Such a transferee must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. In addition, such a transferee must provide documentation such as utility bills or lease agreements that would establish that he or she has resided in a State for at least 90 days prior to the date of this sale.
3. If the buyer's name is illegible, the seller must print the buyer's name above the name printed by the buyer in Item 1.
4. **NICS CHECK** - Prior to transferring a firearm to a nonlicensee, the licensee must contact the National Instant Criminal Background Check System (NICS) for a criminal background check on the transferee (*buyer*). After the purchaser has completed Section A of the form, and the licensee has completed Items 10 and 11, the licensee should contact NICS in accordance with the instructions received from ATF. At the time that NICS is contacted, the licensee should record in Item 12 the date of contact, the NICS (*or State*) transaction number, and any response provided by NICS. If the licensee receives a "delayed" response, the licensee must also record any subsequent response provided by NICS. **NOTE:** In some instances, States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," or "denied." For example, a State may provide an "approve" response that is equivalent to a "proceed" response; a "pending" response that is equivalent to a "delayed" response; or a "non-approval" response that is equivalent to a "denied" response. In such cases, the licensee should check the box on the form that corresponds to the State's response. Licensees should also note that some States may not provide a transaction number for denials. However, in any case where a firearm is transferred within the three business day period, a transaction number is required.

5. NICS RESPONSES - If NICS provides a "proceed" response, then the transaction may proceed. If the licensee receives a "denied" response, then the licensee is prohibited from transferring the firearm to the buyer. **If NICS provides a "delayed" response, the licensee must delay the transaction until he is contacted again by NICS or 3 business days have elapsed. See 27 CFR 178.102(a) for an example of how to calculate 3 business days.** If NICS does not provide a response after 3 business days have elapsed, the seller may transfer the firearm unless, prior to the transfer, NICS has advised the seller that the buyer's receipt or possession of the firearm would be in violation of law.
6. EXCEPTIONS TO NICS CHECK - A NICS check is not required if the transfer is subject to any of the alternatives in 27 CFR 178.102(d). Generally, these include transfers: (a) where the transferee has presented to the licensee a permit or license that allows the transferee to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; (b) of National Firearms Act weapons approved by ATF; or (c) certified by ATF as exempt because compliance with the NICS check requirements is impracticable. See section 178.102(d) for a detailed explanation of these alternatives.
7. If the transfer is subject to one of the exceptions to the NICS check requirement outlined in paragraph 6 above, the transferor must obtain the supporting documentation required by 27 CFR 178.131. A firearm must not be transferred to any buyer who fails to provide such information.
8. If more than four firearms are involved, the identification required by Section D, items 15 through 19, must be provided for each firearm. The identification of the firearms transferred in a transaction which covers more than four weapons may be on a separate sheet of paper, which must be attached to the form covering the transaction.
9. Immediately prior to transferring the firearm, the transferor (seller) must complete and execute Section D of the form. If the transfer takes place on a different day from the date that the purchaser signed Section A, then the licensee must again check the photo identification of the purchaser prior to the transfer, and the purchaser must complete the certification in Section C at the time of transfer.
10. Additional firearms purchases made by the same buyer may not be added to this form after the seller has signed and dated it. A purchaser who wishes to buy additional firearms after the seller has signed and dated the ATF F 4473, must complete a new ATF F 4473, and a new NICS check must be conducted on this separate transaction.
11. In addition to completing this form, you must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4 in accordance with 27 CFR 178.126a.
12. The transferor (*seller*) of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of 18 U.S.C. 921-929 and the regulations, 27 CFR Part 178. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a nonresident, the transferor is presumed to know applicable State laws and published ordinances in both States.
13. After you have completed the firearm transaction, you must make the completed, original copy of the ATF F 4473, Part I, and any supporting documents part of your permanent firearms records. Forms 4473 must be retained for at least 20 years. Filing may be chronological (*by date*), alphabetical (*by name*), or numerical (*by transaction serial number*), so long as all of your completed Forms 4473, Part I, are filed in the same manner.
14. FORMS 4473 FOR DENIED TRANSFERS MUST BE RETAINED - If the transfer of a firearm is denied by NICS, or if for any other reason the transfer does not go through after a NICS check is conducted, the licensee must retain the ATF F 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery or transfer did not take place shall be separately retained in alphabetical (*by name of transferee*) or chronological (*by date of transferee's certification*) order.
2. Published Ordinances--The publication (ATF P 5300.5) containing State firearms laws and local ordinances which is annually distributed to Federal firearms licensees by the Bureau of Alcohol, Tobacco and Firearms.
3. Under indictment/information or convicted in any court -- An indictment/information or conviction in any Federal, State or foreign court.
4. Intimate Partner -- With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person.
5. Misdemeanor Crime of Domestic Violence -- A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors and lesser offenses that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
6. State of Residence - The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is on active duty as a member of the Armed Forces, the individual's State of residence is the State in which his or her permanent duty station is located. An alien who is legally in the United States shall be considered to be a resident of a State only if the alien is residing in the State and has resided in the State for a period of at least 90 days prior to the date of sale or delivery of a firearm. See 27 CFR 178.11 for examples of this definition.

#### PRIVACY ACT INFORMATION

1. AUTHORITY. Solicitation of this information is authorized under 18 U.S.C. 923(g).
2. PURPOSE. To determine eligibility of the transferee (*buyer*) to receive firearms under Federal law.
3. DISCLOSURE OF SOCIAL SECURITY NUMBER. Disclosure of the individual's social security number is voluntary. The number may be used to verify the individual's identity.

#### PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee (*buyer*) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. 922.

The estimated average burden associated with this collection is 19 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

#### DEFINITIONS

1. Over-the-counter Transaction--The sale or other disposition of a firearm by the transferor (*seller*) to a transferee (*buyer*), occurring on the transferor's licensed premises. This includes the sale or other disposition of a rifle or a shotgun to a non-resident transferee (*buyer*) occurring on such premises.